

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**FAUSTINO XAVIER
BETANCOURT COLÓN, et al.,**

Plaintiff

v.

**CITY OF SAN JUAN, a public entity
also known as the Municipality of San
Juan**

Defendant

CASE NO.
3:19-cv-01837-JAG-GLS

UNITED STATES OF AMERICA,

Plaintiff-Intervenor

v.

**CITY OF SAN JUAN, a public entity also
known as the Municipality of San Juan**

Defendant

**SUPPLEMENTAL MOTION REGARDING NEWLY DISCLOSED PROJECT
SCHEDULE AND MUNICIPALITY'S CONTINUED NON-COMPLIANCE**

TO THE HONORABLE COURT:

COMES NOW Plaintiffs Faustino Xavier Betancourt-Colón, et al., through undersigned counsel, and respectfully submit this Supplemental Motion regarding the Municipality's continued non-compliance with Paragraph 12 of the Stipulated Order, as evidenced by the newly disclosed April 21, 2025 Project Schedule. In support thereof, Plaintiffs state as follows:

I. INTRODUCTION

Plaintiffs have recently received and analyzed the Municipality's April 21, 2025 Project Schedule, which only further confirms the pattern of systematic non-compliance documented in our original Motion to Enforce filed on April 1, 2025 and our Supplemental Motion filed on April 9, 2025. Rather than demonstrating progress, this latest report reveals ongoing stagnation and, in certain respects, deterioration in the Municipality's compliance efforts.

II. ANALYSIS OF THE APRIL 21, 2025 PROJECT SCHEDULE

The April 21, 2025 Project Schedule, like its predecessors, reveals the Municipality's continued failure to make meaningful progress toward compliance with Paragraph 12 of the Stipulated Order. Specifically:

1. Zero Completed Ramps Since October 2024: For the eighth consecutive reporting period, the Municipality has failed to complete construction on a single curb ramp. This persistence of zeros in the "completed ramps" category across nearly seven months of reports can no longer be dismissed as a temporary delay or administrative oversight.
2. Stagnant Planning & Design Phase: The 917 ramps in the "Planning & Design Phase" have remained unchanged through eight consecutive reports, demonstrating a complete paralysis in the project pipeline. This indicates that the Municipality has not even begun the initial design work necessary to progress these ramps toward construction.
3. Inconsistent Reporting of Backlog Size: The most recent report continues to show alarming inconsistencies in the total number of ramps requiring remediation. After claiming a backlog of 1,072 ramps for five consecutive reports (October 2024 through March 17, 2025), the April 7, 2025 report suddenly showed 1,121 ramps—an unexplained increase of 49 ramps. The April 21, 2025 report continues to reflect this

increased number, suggesting either previous misreporting or newly discovered non-compliance.

4. Superficial Movement Between Phases Without Actual Completion: The only change reflected in the latest report is cosmetic movement of ramps between the "Inspection Phase" and "Certification Phase" without any actual completion of construction. This administrative shuffling of numbers, without any demonstration of completed remediation, suggests an attempt to create the appearance of progress where none exists.
5. Ongoing Noncompliance with "Tus Calles al Día" Program: The April 21, 2025 report shows no progress whatsoever in addressing the approximately 100 streets repaved under the "Tus Calles al Día" program since October 2024, all of which require curb ramp installation under Paragraph 12 and 28 C.F.R. § 35.151(i).

III. MUNICIPALITY'S PATTERN OF MISREPRESENTATION CONTINUES

The April 21, 2025 Project Schedule further exposes the Municipality's pattern of misrepresentation regarding its compliance efforts:

1. False Claims of "Additional Work": The Municipality's March 19, 2025 claim that "additional work has been performed that is not currently included in the updated Excel document" stands thoroughly refuted by the April 21, 2025 report, which shows no completed construction whatsoever.
2. Misleading Executive Summaries: The Municipality continues to provide executive summaries claiming "significant advances" and projects "set to begin construction shortly," yet the actual data shows no movement toward completion month after month.
3. Shifting Baseline: The unexplained increase in the backlog number from 1,072 to 1,121 ramps suggests either previous underreporting or a failure to accurately track the scope of

non-compliance, calling into question the reliability of all data provided by the Municipality.

IV. CONCLUSION

The April 21, 2025 Project Schedule provides the most recent and compelling evidence that the Municipality of San Juan remains in flagrant violation of Paragraph 12 of the Stipulated Order. After eight consecutive reporting periods showing zero completed ramps, there can be no legitimate dispute that the Municipality has failed to comply with its obligations to ensure ADA compliance in new construction and alterations to the Public Sidewalk System.

This latest report underscores the urgent necessity of all remedies requested in Plaintiffs' original Motion to Enforce, including immediate cessation of repaving activities, court-mandated deadlines for remediation, enhanced judicial supervision, and appropriate sanctions for continued non-compliance.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

1. Consider this additional evidence of non-compliance in conjunction with Plaintiffs' pending Motion to Enforce Paragraph 12 of the Stipulated Order;
2. Order the Municipality to provide a detailed explanation for the increased backlog number and inconsistencies in reporting;
3. Grant all relief requested in Plaintiffs' original Motion to Enforce; and
4. Grant any other relief this Court deems just and proper.

RESPECTFULLY SUBMITTED.

Dated: April 23, 2025.

VELEZ LAW GROUP LLC
Civil Rights Division

s/José Carlos Vélez Colón
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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this date we have electronically filed a copy of the foregoing with the Clerk of the Court using the CM/ECF system, which will notify all attorneys of record.

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Civil Rights Division

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